

Message Text

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ACTION ARA-20

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E.O. 11652: N/A

TAGS: CI, SOCI, PINT

SUBJECT: GOC STATEMENT ON HUMAN RIGHTS: ANALYSIS AND COMMENT

REF: SANTIAGO 3327, 3344.

1. SUMMARY. "PUBLIC STATEMENT ON HUMAN RIGHTS OF GOVERNING JUNTA" ISSUED JUNE 11 AGGRESSIVELY DEFENDS JUNTA'S RECORD SINCE SEPT 11 ON HUMAN AND LEGAL RIGHTS, INTERNAL SECURITY, AND SUSPENSION OF POLITICAL ACTIVITIES. PUBLICATION COINCIDES WITH GOC PUBLIC RELATIONS OFFENSIVE WHICH APPEARS AIMED AS MUCH AT DOMESTIC AS INTERNATIONAL AUDIENCE. DECLARATION EMPHASIZES GOC IS FOLLOWING INTERNATIONALLY ACCEPTED LEGAL STANDARDS FOR STATE OF SIEGE RESTRICTIONS ON CONSTITUTIONAL GUARANTEES AND OUTLAWING OF SUBVERSIVE PARTIES. JUNTA ARGUES ITS EFFORTS TO IMPLEMENT REAL AND PRACTICAL SOCIAL REFORMS CONTRAST WITH PRETENSIONS OF ALLENDE REGIME. STATEMENT IGNORES TORTURE AS SPECIFIC ISSUE.
END SUMMARY.

2. WEAK POINTS: INTERNAL EVIDENCE INDICATES DECLARATION IN PREPARATION FOR SOME TIME AND PROBABLY READY FOR PUBLICATION AT LIMITED OFFICIAL USE

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LEAST TWO WEEKS AGO. HOWEVER, THIS TIME-LAG INSUFFICIENT JUSTIFY

GOC CLAIM THAT THERE IS NO PRIOR CENSORSHIP. WHILE, AS REPORTED SANTIAGO 3325, PRIOR CENSORSHIP HAS JUST BEEN INSTITUTED ON CHRISTIAN DEMOCRATIC RADIO BALMACEDA, THREE MAGAZINES (WEEKLIES ERCILLA AND QUE PASA, AND MONTHLY MENSAJE) HAVE BEEN SUBJECT TO PRIOR CENSORSHIP FOR MONTHS. ADDITIONALLY, NO MENTION IS MADE OF FACT THAT ALL MEDIA UNDER "SELF-CENSORSHIP" REGIME WHICH IS VERY EFFECTIVE.

3. ANOTHER TRICKLY POINT IS CLAIM THAT "NO PENALTY IS IMPOSED EXCEPT BY VIRTUE OF A LAW PREDATING THE ACTIONS CONCERNED." THIS APPEARS TECHNICALLY CORRECT BUT IGNORES FACT THAT PENALTIES AND PROCEDURES DIFFER IMPORTANTLY FOR ESSENTIALLY SAME OFFENSE COMMITTED IN "TIME OF PEACE" AND "TIME OF WAR". THIS HAS BEEN BASIC ARGUMENT OF DEFENSE IN RECENT AIR FORCE TRIAL.

4. LEGAL ARGUMENT: JUNTA CLAIMS ALLENDE GOVT. "ILLEGITIMATE IN ITS EXERCISE OF POWER" (SLIGHTLY DIFFERENT WORDING THAN WE HAVE HEARD BEFORE). GOC ARGUES THAT CONTINUED EXISTENCE OF CLANDESTINE GROUPS INSIDE CHILE, ARMED BY PREVIOUS GOVERNMENT, OBLIGES GOC UNDER CONSTITUTIONAL GUARANTEES." GOC REPEATS ITS FAMILIAR CLAIM THAT NO ONE HAS BEEN PROSECUTED IN CHILE FOR POLITICAL BELIEFS BUT ONLY FOR OFFENSES RECOGNIZED UNDER LAW. CHILE HAS MET ALL INTERNATIONAL COMMITMENTS ON ASYLUM AND REFUGEES, AND 16,000 FOREIGN "EXTREMISTS, GUERRILLAS AND ADVENTURERS" HAVE DEPARTED UNMOLESTED EXCEPT FOR FEW INDICTED FOR CRIMES.

5. GOC MAINTAINS THAT ALL RIGHTS CONTEMPLATES IN UN DECLARATION ON HUMAN RIGHTS ARE FULLY OBSERVED IN CHILE, WHILE POINTING OUT THAT LAST ARTICLE OF DECLARATION PLACES "REASONABLE AND LOGICAL LIMITS" ON USE OF THESE RIGHTS TO NEGATE SAME RIGHTS. INDEPENDENT JUDICIARY STILL FUNCTIONS AS EVIDENCE GOC RESTRAINT ON USE EMERGENCY POWERS. WORK OF PROF. GEORGE BURDEAU OF LAW FACULTY UNIVERSITY OF PARIS CITED AT LENGTH TO SHOW ACCEPTANCE IN INTERNATIONAL PRACTICE OF "STATE OF SIEGE" EMERGENCY RESTRICTIONS ON CITIZENS' RIGHTS. ARTICLE 36 OF FRENCH CONSTITUTION OF 1958 COMPARED TO SIMILAR PROVISIONS IN CHILEAN CONSTITUTION.

6. TURNING TO RESTRICTIONS ON POLITICAL LIBERTIES, DECLARATION DISCUSSES DECISION OF CONSTITUTIONAL COURT OF FRG ON AUGUST 17, 1956, WHICH "DECLARED EXISTENCE OF COMMUNIST PARTY UNCONSTITUTIONAL LIMITED OFFICIAL USE

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TIONAL". ACCORDING TO GOC, GERMAN PARTY APPEALED TO EUROPEAN COMMISSION ON HUMAN RIGHTS WHICH UPHOLD DECISION JULY 20, 1957. "MANY COUNTRIES" HAVE TAKEN SIMILAR ACTIONS, INCLUDING "FRG, ARGENTINA, KOREA, SPAIN, FRANCE, GREECE, PORTUGAL, EL SALVADOR, TURKEY, URUGUAY, ETC." CHILE HAS THEREFORE FOLLOWED ACCEPTED INTERNATIONAL PRACTICE IN DEFENDING ITSELF AGAINST EXTREMIST SUBVERSION.

7. DECLARATION CONCLUDES BY NOTING PRESENT GOC'S GENUINE CONCERN FOR "SOCIAL RIGHTS" CONTRASTS WITH ALLENDE GOVT'S DEMOGOGUERY. JUNTA POINTS TO "AUTHENTIC AGRARIAN REFORM," DEVELOPMENT OF PLANS FOR URBAN HOUSING, INCOME INCREASES FOR WORKERS AND MIDDLE CLASS, AND "SOCIAL STATUTE OF ENTERPRISE" TO BE ISSUED SOON WHICH CONTEMPLATES SIGNIFICANT FORMS OF PARTICIPATION IN BUSINESSES BY EMPLOYEES.

8. COMMENT: STATEMENT REFLECTS CHILEAN DEVOTION TO LEGALISM AND HAS SOME GAPING OMISSIONS. CRUCIAL SUBJECT OF TORTURE IS NOT MENTIONED. STATEMENT SIMPLY AFFIRMS THAT DETAINEES "ARE TREATED IN HUMANE MANNER." FAILURE TREAT ONE OF MAIN CONCERNS OF CRITICS CAN ONLY REDUCE BENEFICIAL EFFECTS GOC MAY EXPECT FORM ISSUING STATEMENT AIMED NOT ONLY ABROAD BUT AT CRITICISM ON HUMAN RIGHTS ISSUES AT HOME FROM SUCH QUARTERS AS LAWYERS, CHURCH AND CHRISTIAN DECOCRATS. AS FAR AS IT GOES, HOWEVER, STATEMENT IS REASONABLY SKILLFUL CONTERATTACK AGAINST JUNTA'S CRITICS. ITS TIMING, COINCIDENT WITH UNUSUAL FINGERSHAKING LECTURE TO CARPING CHILEANS BY SECGEN GOVT EWING JUNE 10 (SANTIAGO 3324 NOTAL), REFLECTS APPARENT GOC DECISION TO TAKE MORE ACTIVE STANCE AGAINST ITS CRITCS. DECLARATION USES PREVIOUS TACTIC OF CHILEAN DELEGATION IN UN IN POINTING OUT UNSATISFACTORY HUMAN RIGHTS RECORDS OF "CERTAIN COUNTRIES" NOW CIRTICIZING CHILE. STATEMENT PROBABLY NET GAIN FOR GOC.

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